

Motion to Remove

THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

FRED DALE VAN WINKLE,

Debtor

CASE No 13-11743-17
CASE No 15-1047

Cause No D-1215-CV-2010-1054
Division II

TAMMY SPRAGUE, personal representative
of the estate of FRED DALE VAN WINKLE,

Judge James Waylon Counts

FILED

at 3:45 o'clock P M

and

JUN 18 2019

BRIAN VAN WINKLE, defendant-in-Intervention

United States Bankruptcy Court
Albuquerque, New Mexico

v.

JOHN H. WILLIAMS, and
ELLEN B. WILLIAMS,
BELLEVIEW VALLEY LAND CO. INC,

MOTION REQUEST FOR RECOGNIZING BRIAN VAN WINKLE 'S RIGHT OF INTERVENTION
AS ESTATE PERSONAL REPRESENTATIVE and, simultaneous
REQUEST FOR REMOVAL OF A STATE COURT RULING ACTION.

The Debtors Estate of FRED VAN WINKLE, respectfully moves that the court grant an order removing Tammy Sprague personal representative, and recognizing Defendant-in-Intervention BRIAN VAN WINKLE's as the Estate representative of FRED VAN WINKLE and, upon doing so, the Debtors Estate of FRED VAN WINKLE, respectfully moves that the court grant an order Of Removal to The twelfth Judicial District court, county of Otero, State of New Mexico's ruling Cause No D-1215-CV-2010-1054, Division II.

Upon Appointment as Personal Representative, Brian Van Winkle request that this court wave normal Motion and Court procedures and allow This court to act in its full capacity to remove the state ruling as soon as possible. If a removal request motion is filed and the trustee does not have the funds in the Account, the judge can defer the fee until funds become available. The Alter Ego Role of this Court has been usurped and it's role as Alter Ego of the Estate of Fred Van Winkle has been applied to rulings of District State Court upsetting the equitable balance between Debtor and Creditor as has been determined

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by this court.

Wherefore, Brian Van Winkle respectfully request the court allow his request to be appointed as personal representative of the Estate of Fred Van Winkle and, to issue an order concerning State Actions of District State Court for Removal and Allow this court to act in its full capacity as Alter Ego of the Estate of Fred Van Winkle and in doing so allow this court to proceed under it's own volition to achieve Removal of the State court action.

Brian Van Winkle also request that any fees be waved until the Estate account is reopen and has Funds.

 6-18-2019
Brian Van Winkle, defendant-in-Intervention

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